

UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 1<sup>st</sup> day of April, two thousand twenty-one.

Before: Richard J. Sullivan,  
*Circuit Judge.*

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Salvatore Davi,

Plaintiff - Appellee,

v.

Michael P. Hein, in his individual and official capacity, Samuel Spitzberg, in his individual and official capacity, Eric Schwenzfeier, in his individual and official capacity, Krista Rock, in her individual and official capacity, Jill Shadick, in her official capacity, Sharon Devine,

Defendants - Appellants,

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ORDER

Docket No. 21-719

Appellants move for an emergency stay of the district court's order that Appellee be reinstated to his position as a Hearing Officer. Appellee opposes the motion.

IT IS HEREBY ORDERED that, to the extent the motion seeks a temporary stay pending determination of the motion by a three-judge panel, the stay is DENIED. The motion is REFERRED to a three-judge motions panel.

For the Court:

Catherine O'Hagan Wolfe,  
Clerk of Court

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

*Catherine O'Hagan Wolfe*



*Catherine O'Hagan Wolfe*